

Rec'd PCT/PTO 18 DEC 2006

12/18/06 MON 17:18 FAX 617 535 3869

MCDERMOTT WILL & EMERY

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# McDermott Will&Emery

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## FACSIMILE

Date: 18 December 2006

Time Sent:

To:	Company:	Facsimile No:	Telephone No:
	USPTO	3201 571-273-8300	
From:	G. Matthew McCloskey	Direct Phone:	617.535.4082
E-Mail:	mmcloskey@mwe.com		
Sent By:	Erin M. Olson	Direct Phone:	617.535.38953
Client/Matter/Tkpr:	059380-0050-08657		No
		Number of Pages, Including Cover:	7

Message:

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U.S. practice conducted through McDermott Will & Emery  
28 State Street Boston, Massachusetts 02109-1775 Telephone: 617.535.4000  
BST99 1427125-1.T03792.0011

PAGE 1/7 \*RCVD AT 12/18/2006 4:20:16 PM [Eastern Standard Time]\* SVR:USPTO-EFXRF-1/16 \*DNIS:2733201 \*CSID:617 535 3869 \*DURATION (mm:ss):02:30

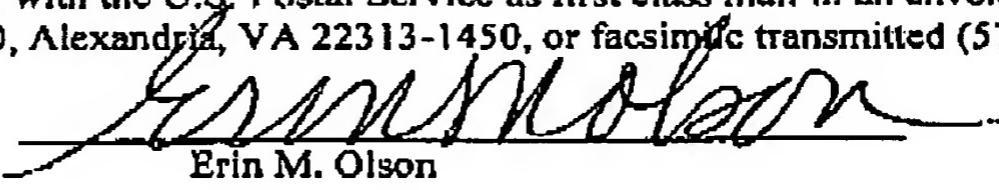
**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: D. Slafer  
 Serial No. 10/588,098  
 Filing Date January 21, 2005  
 Title: Apparatus and Method for Manufacturing Pre-Formatted Linear Optical Data Storage Medium  
 Docket: 059380-0050

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Mail Stop PCT, Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted (571-273-8340) to the USPTO, on the date indicated below.

Date: 18 December 2006



Erin M. Olson

3261

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

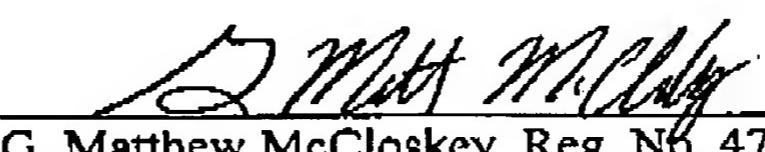
Enclosed herewith for filing in connection with the above-identified patent application are the following:

- 1) Response To Notice to File Missing Requirements; and
- 2) Copy of Notice to File Missing Requirements Under 35 USC 371 dated October 30, 2006; and
- 3) Declaration and Power of Attorney

The Commissioner is hereby authorized to charge the surcharge fee of \$65.00, further fees which may become due, or credit any overpayment, to Deposit Account Number 50-1133.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



G. Matthew McCloskey, Reg. No. 47,025  
 28 State Street  
 Boston, MA 02109-1775  
 Telephone: (617) 535-4000  
 Facsimile: (617) 535-3800

Date: 18 December 2006

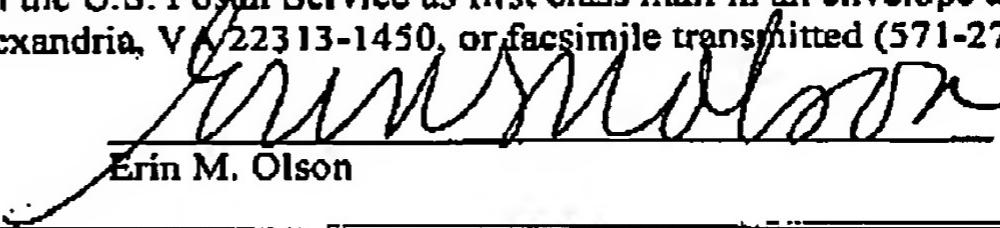
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Date: 18 December 2006



Erin M. Olson

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 Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir:

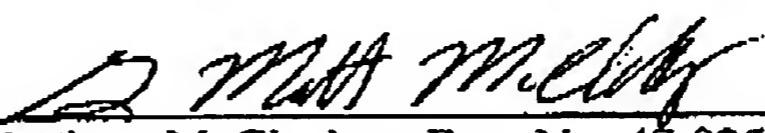
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated October 30, 2006, Applicant encloses an executed Declaration and Power of Attorney for Patent Application.

The Commissioner is hereby authorized to charge the surcharge fee of \$65.00, further fees which may become due, or credit any overpayment, to Deposit Account Number 50-1133.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 18 December 2006



G. Matthew McCloskey, Reg. No. 47,025  
 28 State Street  
 Boston, MA 02109-1775  
 Telephone: (617) 535-4000  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,098	W. Dennis Slafer	59380-050 (MCMK-004)

Toby H. Kusner  
 McDermott Will & Emery  
 28 State Street  
 Boston, MA 02109

R E C E I V E D  
 NOV 02 2006

D

MW&E

I.A. FILING DATE

PRIORITY DATE

01/21/2005

01/21/2004

CONFIRMATION NO. 4357  
 371 FORMALITIES LETTER  
  
 \*OC000000021026629\*

Date Mailed: 10/30/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/28/2006
- Copy of the International Search Report filed on 07/28/2006
- Information Disclosure Statements filed on 07/28/2006
- U.S. Basic National Fees filed on 07/28/2006
- Priority Documents filed on 07/28/2006
- Specification filed on 07/28/2006
- Claims filed on 07/28/2006
- Abstracts filed on 07/28/2006
- Drawings filed on 07/28/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

McDermott Will & Emery LLP

Re: MCMK -4

Action Date: 12/30/06

Action Due:

Docketed By: Bf Date: 11/30/06

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/588,098	PCT/US05/01856	59380-050 (MCMK-004)

FORM PCT/DO/EO/905 (371 Formalities Notice)